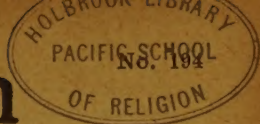


The Christian News-Letter

Edited by
J. H. OLDHAM



November 3rd, 1943

DEAR MEMBER,

The annual report of the Chief Inspector of Factories opens with the statement that "the outstanding feature of the year ... has been the growing importance of the work of women in factories." Dame Anne Loughlin, last year's president of the Trades Union Congress, reported to a recent Conference that "more than eight million women are mobilized, a larger proportion than would be found in any other country in the world." Not only the number of women employed in industry, but the variety of the occupations which they have entered, is remarkable. "The bounds of women's activities," said the Prime Minister to the recent meeting of six thousand women in the Albert Hall, "have been definitely, vastly and permanently enlarged."

WOMEN IN INDUSTRY

To make any estimate of the effects of what is undoubtedly a major social revolution going on around us, we should need to embark on a vast sociological survey. Indeed, such a survey is probably already overdue. We are in effect creating an immense reserve of skill. What are we going to do with it at the end of the war? To some it is already a source of anxiety: the fear of unemployment makes them ask whether skilled women are going to be the competitors of men and whether their presence will force down the level of wages. "Equal pay for equal work" becomes a poor slogan if it means equally low pay for equal work. Others rightly see in this reserve of skill a great national asset. If we are not only to restore the ravages of war, but to press on to the building of a far better life for our people, with better housing, increased provision for health and education, new towns and a generally higher standard of living, we shall need to put forth all the productive effort of which we are capable.

The war has done more than to give several thousand women the technical knowledge of some engineering or electrical process. It has brought into industry a type of woman who has never before worked in a factory. It has changed her, and in some respects she has changed the factory. Her own horizon has been considerably broadened by her new understanding of the conditions of work, the problems and opportunities of the factory. She may have been a member of a trade union or a works committee, and have taken her share in pressing for improved factory conditions. "The new type of women coming into industry for the first time, and the very great and growing interest of all women in the improvement of the conditions under which they work, has led to a remarkable stimulation of public pressure for better standards of

washing and clothing accommodation, and a higher standard of cleanliness throughout all the amenities and in the workrooms themselves."¹

But the most important effect of the incursion of large numbers of women into industry has been that those facilities which were in the first place mainly developed to enable women with domestic responsibilities to go to work at all—works canteens, communal dining-rooms, nurseries and nursery schools—have established themselves in their own right as useful social institutions. In addition there has been a great expansion of factory welfare and medical services. Many firms employ not only nurses but doctors to care for the health of their work people. Provisions for health, including such things as psychological tests to enable the right person to be put to the right job, are likely to be greatly expanded after the war.

All these facilities for providing meals, caring for children and improving the health and conditions of work of factory workers depend almost entirely on the labour of women, made by their labour and only to be continued by their effort.

STATUS AND STANDARDS

Before the war there were 1,250,000 women in private domestic service. After the war there will be a larger number of women employed for cooking and cleaning in schools and canteens. A scheme is now under consideration for providing home helps—women employed by the Local Authorities who would be able to go and give help in homes which cannot afford regular domestic service, but which at times of illness or childbirth urgently need someone to cook and clean and take charge of the children. An uncertificated teacher is regarded with disapproval and an uncertificated nurse with alarm, but except in the highest grades of household management there is no established standard in domestic work. All women are apparently expected to be able to cook, clean and keep house by the light of nature, and no attempt is made, except on a trial and error basis, to distinguish between the competent and the incompetent. The girl who passes out of a modern senior school after three years' excellent teaching in laundry, needlework, cooking and housewifery ought to be considered as well qualified in her own line as the girl who passes from the secondary school with a school certificate. The establishment of a standard in domestic work is quite as important as the improvement of conditions of work and rates of pay, for it will gradually affect not only the work of employed women, but the domestic work done by women in their own homes.

"A WOMAN'S PLACE IS IN THE HOME"

No letter about any aspect of women's employment appears in *The Times* or any other paper without being immediately followed by one built round this cliché. It is an argument which Christians, because of their right emphasis on the family, are the more prone to use. But its unquestioned acceptance as the whole truth about women involves a wholly un-Christian blindness to many facts in the swiftly changing social situation around us. Three points ought to be in our minds.

¹ Annual Report of H.M. Chief Inspector of Factories for the Year 1942. H.M. Stationery Office. 9d.

First—a great many women who would like a home and a family are debarred from having them by no fault of their own. Their number is being added to every day of this war. Modern society would be very much the poorer if we had not the services which they are rendering, and they ought not to have to fight, as many have had to fight in the past, for fair reward for their labour.

Second—all but a tiny minority of women go to work before they marry. There is not a sufficient realization of the effect which work has upon a girl between leaving school and marriage. Just because in all probability they will marry, girls are paid less and trained less than boys. The retail trade and factory work and the lower types of domestic service account for the great majority of those who leave school at fourteen. What sort of preparation for marriage is provided in long hours spent in standing, monotonous work and poor pay? If we want healthy families and good homes, can we afford to neglect the conditions in which these future mothers spend the years which lead up to marriage?

Third—many married women have training or skill which, when their children are no longer a full-time job, they are eager to put to use. The opportunity of doing so ought not to be denied them. The contribution of women is needed not only quantitatively, but qualitatively. The married teacher, doctor or nurse brings a different contribution to her job. In factories, many managers report that when they have made the necessary adjustments in routine, the part-time married woman suffers less from boredom and fatigue and, therefore, from illness and accidents than the full-time adolescent and often produces more per hour. Her earnings are spent on her home and her children.

THEODORE HUME

The irreparable loss suffered by the World Council of Churches in the death of William Paton has been followed by another heavy blow. Among those who lost their lives when the Swedish civil transport aeroplane was shot down ten days ago, was Theodore Hume, a young American clergyman who, though it involved leaving a wife and five young children behind him in America, had eagerly accepted an invitation from the World Council of Churches to make his headquarters in Sweden and act as a liaison officer between the Churches in America and on the continent of Europe and to help in planning for relief and the reconstruction of Church life in Europe. Prior to the passage by air in which he met his death he spent a few weeks in this country. In the conversations I had with him I was profoundly impressed by the opportunities that lay before him. He had abounding vitality and brilliant gifts. Here, it seemed to me, was a reinforcement that would do something to fill the blank left by the passing away of William Paton. But it has been ordered otherwise. The blow to the hard-pressed staff of the World Council of Churches at Geneva, who had been counting on his help, is severe.

THE TRIUMPHANT SPIRIT

A few sentences that I read the other day in a letter from a young mother to another member of her family describing an experience by

no means unique are, I think, worth quoting. It is these triumphs of the spirit in individual lives that contain the promise and potency of a better world. The passage reads as follows :—

“I do not think life is ever all *jam*. I know one wants nothing but happiness for one's children, but the crown of gold is given to ‘him that overcometh,’ and I think everyone gets patches which have to be overcome. Now I have come to feel all right about them for myself. I do not underestimate J's difficulties, for I know how hard it is to *go on* day after day when one is tired. But by degrees one learns that one's mind is free and that, however humdrum and dull and tiring one's daily round is, one's mind need *never* be tired. I only feel this rarely yet, but it seems to me a lesson worth years of drudgery. The tempering of one's spirit is worth while, and nothing but real hardship can do it.”

AN OFFER FROM AMERICA

Among the visitors who come to us from the Churches in America none is more eagerly welcomed than Reinhold Niebuhr. Dr. Niebuhr was here for two months in the summer. He is chairman of the Editorial Board of *Christianity and Crisis*, the American counterpart of the Christian News-Letter. We have received 500 copies of an October number of this journal which contains his article on Anglo-Saxon Destiny and Responsibility, which many of our members would undoubtedly be glad to read. This office can supply anybody with a copy who will apply for it by postcard. We shall also be glad to receive annual subscriptions (8s.) for *Christianity and Crisis*, which is published fortnightly.

THE SUPPLEMENT

The writer of the Supplement has been for some years Chaplain of Trinity College and Trinity Hall, Cambridge, and has just become secretary of the Schools Council of the Student Christian Movement, recently formed to extend the work of the Church among senior boys and girls in secondary schools. Earlier drafts of the Supplement were submitted to a number of people, whose suggestions have been carefully considered and, in many cases, adopted; but for the final form, and for the opinions expressed, the writer is alone responsible.

Yours sincerely,

J. H. Oldham

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PUNISHMENT OF WAR CRIMINALS

DEAR DR. OLDHAM,

As you know, I have for some time been concerned about the attitude to war-criminals expressed in public by both political and ecclesiastical leaders in this country. When, some six months ago, I first set pen to paper, the issue for Christians seemed to me luminously clear. But the more I have considered the very valuable comments, made by yourself and others, on my first two drafts, the more difficult has the problem of action seemed to become. And I am not at all certain that the issues have passed sufficiently through the crucible of my own thinking for me to have anything valuable to offer now.

But the need to make decisions on this point is made urgent by the announcement that the United Nations' Commission for the Investigation of War Crimes has been established in London.¹ Of the legal issues, it is better for the layman to be silent. There is a valuable account in *War Crimes and the Problem of an International Criminal Court*,² by Georg Schwarzenberger; and responsible legal opinion now thinks that such crimes can be dealt with by existing national and military courts. But the fact that, once a state of war ceases, their case is covered by no existing international law, means that the problem is political rather than legal, and leaves room for considerable Christian initiative in the creation of a sound public opinion, which may go far to determine the relevant clauses of an armistice and the ultimate formulation of international law.

GOSPEL AND LAW

In order to think this question effectively, it is necessary to make a distinction between two spheres of action—of Gospel and Law, of love and justice—in which, however unclearly he may see their boundaries, the Christian has to act. In the first—largely that of his personal relations—he is faced with the absolute demands, made by God's act in Christ, of unconditional forgiveness towards wrongdoers. In the second, precisely because he is a Christian, recognizing secular society as the potential sphere of God's rule, he has an overwhelming responsibility to co-operate with all other elements in that society towards the creation and maintenance of a social order which is, within the limits of historical possibility, just.

This is the sphere in which our Lord refused to adjudicate ("Who made me a judge or divider over you?" Luke xii. 14), because there

¹ *The Times*, October 21st, 1943.

² Reprinted, under the auspices of the Czechoslovak Branch of the International Law Association, from the *Czechoslovak Year Book of International Law*, 1942, pp. 67-88.

is no ultimate solution except in terms of forgiveness. Neither can the Christian here make ultimate judgments, knowing the tragic double-sidedness of all human action in society. But, knowing also the infinite possibilities, under God, of every situation, he cannot refuse the responsibility of relative judgment and action as a citizen. And, in the exercise of that responsibility, he will use the gun, the gallows or the gaol, if the needs of an ordered society seem to demand them.

There are two opposite, but equally dangerous, errors inherent in the ease with which the two spheres of Gospel and Law can be confused. The first is that we should try to apply the demand for unconditional forgiveness between persons to the sphere of order in a secular society. Of that enough has been said in other places. Its acceptance would exclude Christians from responsible co-operation in the maintenance of social order.¹ And, although there is a strong case to be made against the use by Christians of legal machinery for their own protection, it seems to me that our responsibilities as citizens can be renounced, if at all, only when we have abandoned all hope of useful co-operation.

In illustration, perhaps I may be allowed to quote a personal problem which faced me, some eighteen months ago, when I was forced to the conclusion that I was using my privileged position of unconditional exemption from combatant service as an escape from making a definite decision about the challenge of pacifism. The issue—as, rightly or wrongly, it presented itself to me—entailed the decision between, on the one hand, dissociating myself, so far as possible, from modern civilization by joining a pacifist community; and, on the other hand, becoming—despite the time-honoured tradition of clerical non-combatancy, which, up till then, I had strongly maintained—a combatant member of the Home Guard. I chose the latter.

It may well be that, in so doing, I was seeking to escape from a tension which is inherent in the life of the priesthood. If so, it was an escape only into a new tension—the world-long tension between the relative demands of social necessity and the absolute demands of God in Christ. For there is no absolute justification of combatancy without the identification of the Allied and Axis powers, respectively, with the hosts of heaven and of hell. And just this is the second danger of confusion between the spheres of Gospel and Law: that we should be psychologically incapable of fulfilling the stern demands of the Law unless we persuade ourselves that they are absolute; that we should forget that all human action is relative and falls short of the love of God. If we do that, we renounce our obligation to bring the Law under the reforming power of the Gospel.

Under this head, I believe, fall recent Christian attempts to distinguish between retribution and revenge, as motives in the treatment of war-criminals. It is all too easy to conceal an unworthy motive by giving it a respectable name. Allied policy towards war-criminals, as

¹ I take this to be essentially Mr. Stephen Hobhouse's position, expressed in *Retribution and the Christian*, Fellowship of Reconciliation, 2d.

at present expressed in *Punishment for War Crimes*¹ and in Mr. Eden's statement in the House of Commons,² is, and must necessarily be, in the sphere of Law; and, as such, it requires, and can seek, no absolute justification. But Christians can make their proper contribution to the formulation of such a policy only if they are first clear as to the attitude of the Gospel towards wrongdoers. And I shall, therefore, try to state what I believe that attitude to be before considering the political situation in the light of the insights which it gives.

THE GOSPEL OF FORGIVENESS

Of the heinous character of the atrocities which have been committed, nothing need be added to what has already been published in the press.³ But that in no way alters the ultimate purpose, as it is revealed in Christ, of God's action towards each sinner. He aims always at redemption, to call out from man the love which is the only true response to His love. And His action is utterly personal, love striving to evoke love through action entirely appropriate to the sinner's condition. If He must punish, the punishment is a language, revealing to the sinner the character of his deed, calling him to repentance and so to a restoration of relationship. God wants the sinner to echo the repentant malefactor ("and we indeed justly," Luke xxiii. 41), to recognize the relation between sin and punishment, and so to put himself in the position where, in the words of the General Confession, he may "turn from his wickedness and live."

There is no suggestion here, as in the Greek tragedies, of a crime abstracted from the criminal and to be expiated by some externally imposed penalty. My attention was drawn to the problem of this Supplement most forcibly by the contrast between the attitude of some Christians, who appear to regard the exaction of penalties for crimes as a duty religiously imposed, and the "scientific attitude" that human conduct (including war-crimes) is the product of natural causes, and that the rational consequence of such a view is to search for a cure. This is no place to discuss the large issues which that contrast raises. But it seems to me to throw down a big challenge to Christian thinking. Precisely because we are Christians, we are concerned not with the dead past, but with the creative present, pregnant with possibilities for the future of man in society. And the past enters into our creative thought and action only in so far as it helps us to understand the present and to control the future. Such a view does not necessarily abandon punishment; it simply insists that its use should be relevant to the sinner's need.

It may well be that courts of law can make no distinction between the penitent and impenitent criminal, and that both must suffer equally. That is a measure of human weakness; it does not lessen

¹ H.M. Stationery Office, 6d. The pamphlet contains notes presented by the governments of the occupied countries to the British, Soviet and American governments and the consequent statements by Mr. Churchill, the Soviet government and President Roosevelt.

² December 17th, 1942.

³ See also the annexes to *Punishment for War Crimes* (2).

the demands of the Gospel. Forgiveness alone, using as its means, if necessary, the sternest punishment, can restore not only the social order but the whole cosmic order, broken through sin. Though, to the impenitent, the action of forgiving love may appear, on the one hand, as mere weakness, on the other hand, as the working of an impersonal retribution; yet the penitent knows that God meted to him the measure he deserved, precisely because forgiveness was his only true desert, and only thus could he be brought to joyful acceptance of the new relationship with God and costly action for the restoration of the order which his sin destroyed. God always longs and strives for the restoration of relationship; and the measure of His punishment is the measure, not of the crime, but of the sinner's need. Repentance brings not only new life and faith for the future, but pardon for the past.

And to that understanding of the nature of God's justice, Christianity adds a further insight. The uniqueness of the Christian attitude lies in the recognition that "while we were yet sinners, Christ died for us" (Rom. v. 8). The judge suffers with and at the hands of the condemned: for that is the guarantee of justice, the way of love and, consequently, the only *effective* way. It is true that it becomes effective only when accepted by the condemned, so that he willingly shares the suffering of the judge. But the judge's action is independent of such acceptance. Love makes no conditions, but is confident of final victory.

Of final victory: for, though many Christians differ, I find it impossible not to agree with St. Paul that "God hath concluded them all in unbelief, that He might have mercy upon all" (Rom. xi. 32). But, in any case, the final judgment of a man's character is in God's hands. He alone can say, in any absolute sense, that a man has finally rejected forgiveness and is worthy of death.

And in these terms alone a Christian must judge his action in the sphere of the Gospel. First, that he aims always at redemption, at the restoration of true harmony between God and man, between man and man, and in the whole cosmic order. Secondly, that forgiveness alone is truly creative, whether it be expressed in a sternness which risks being mistaken for revenge, or in suffering under wrongdoing which is taken easily for mere passivity. Thirdly, that he shuns no personal suffering which his task requires, even at the risk of apparent failure. And, fourthly, that he never loses faith in the possibilities of any man, leaving the final issue to God.

THE CORPORATENESS OF SIN, AND INDIVIDUAL RESPONSIBILITY

A further important insight into the present issue is given by the Christian understanding of the corporate nature of sin. In "Father Zozima's Biographical Notes,"¹ there is a cogent passage which we should all do well to take to heart: "No one can judge a criminal until he recognizes that he is just such a criminal as the man standing

¹ Dostoevski, *The Brothers Karamazov*, Book VI, Chapter II (h).

before him, and that he perhaps is more than all to blame for that crime. When he understands that, he will be able to be a judge." We have all sinned, and the sins of each promote the sins of all. The Nazi doctrine of corporate responsibility is a reversion to the primitive insight, which recognized the responsibility of every member of a family, or village, or tribe for the crimes of its individual members. And, because it is a reversion, it is rightly condemned as barbarous.

But the modern, and exceedingly important, emphasis on the responsibility of each for his own actions still falls short of the truth; and it becomes a dangerous half-truth, if it is applied indiscriminately, without regard for mitigating circumstances. Man is one in sin, if in nothing else. And the current analyses of the political and economic causes which ended in war add nothing but detail to a fact which all Christians should have known from the start. Although the sin of all comes to a focus and finds active expression in unfortunate individuals, ultimately we are *all* responsible for this war; we are *all* responsible for the crimes to which it has given rise—the extermination of the Jews and all the other atrocities of the Hitler régime. To these, as to all crimes, the genuine Christian response is *mea culpa, mea maxima culpa*—repentance in dust and ashes, followed by energetic and costly action to right such wrongs as are not beyond repair.

ACTION UNDER LAW

But what, within the sphere of the Law, is that action to be? Here our responsibility, as citizens, is for the creation of a just international order; and our major concern, so far as in us lies, must be the prevention of future wars. To this are closely linked, on the one hand, the issues raised in the Beveridge report, and on the other hand, the necessity which is laid on us, both as Christians and as wise citizens, of working for the time when Germans may play their full part in the comity of nations. Those questions I have neither the space nor the competence to discuss. But it is certain that there is no practical answer to them, except in a willingness for economic and political sacrifice by the allied nations, to which, perhaps, only a Christian faith is adequate.

The important distinction between "Germany and the Hitlerite State" has already been made by M. Stalin¹ and debated at length in the House of Lords.² But, as Christians, we desire also that individual war criminals shall have their part in the future. Within the framework of a general international policy, by which Germans would be compelled, indeed, to return stolen treasures, but actively helped to achieve economic and political responsibility in world affairs, war-criminals would be retained in labour units set to the physical rebuilding of Europe, and undergoing instruction, education and discipline designed to fit them for free membership of normal society. But against such a plan must be set certain important political objections.

1. The possibility must be faced that a hard core of war-criminals will be in no mood to reform their ways, or to regard the most lenient detention as in any sense better than revenge. In that case, the

¹ December 6th, 1942.

² March 10th, 1943.

immediate problems of reconstruction may well be so vast that such men must be imprisoned, or even shot. And the shooting must be done with as much determination as we now wage war. But we shall not imagine that, in so doing, we are executing the demands of an eternal justice.

2. Some of the best friends of Germany believe that she has developed the tradition of "being able to get away with anything." And one of the major tasks, in the prevention of future wars, is to eradicate that tradition. Legal trials, followed by harsh sentences on a carefully defined class of criminals, would be an important contribution to that task. The allied governments are fortunately determined that, so far as they can ensure, such trials and sentences shall be legally executed. We need not worry our heads about that. But it may be argued that what appears to allied tribunals as the impartial administration of justice will, to the recipients of punishment if not to their compatriots, appear as stark revenge. Against that, it can be said with a good deal of confidence that the majority of Germans are heartily sick of their present rulers and the Nazi underlings and would gladly see an end of them.

This is a far more cogent argument than that which hopes that punishment for crimes of this war will deter potential criminals in future wars. Only the strong likelihood of being brought to trial—such as exists in a stable society—can have that deterrent effect. And war, such as we are now experiencing, represents a social instability which makes the future course of justice wholly uncertain. Only an international authority, with sufficient power to nip in the bud fresh acts of aggression, could supply the certainty of justice. And, if aggression is checked, there is no war, and no war-crimes to deter.

3. Whatever policy is finally adopted will reflect the views not only of Russia, still officially a non-Christian state, but of non-Christian folk in this country and in the exiled governments of German-occupied countries, whose views may very naturally be warped by the emotional reaction to well-attested atrocities. It is certain that they will demand the death-sentence or other unredemptive punishment, in specified cases. And the only chance of influencing the final formulation of policy lies in the recognition that practical co-operation requires compromise, and a sympathetic understanding of the wrongs endured by members of the allied nations. It is all too easy to forgive what we have not ourselves suffered.

4. There is every reason to expect a spontaneous outbreak of bloody revenge in the occupied countries, as soon as the Germans begin to lose their grip. In so far as such an outbreak may accelerate victory, it is one of the horrors to which we are committed by the very fact of war. But its repercussions in future international bitterness would be incalculable; and, in so far as it is avoidable, it is possible that the timely announcement of sufficiently stern legal measures will prevent or check the tide of unrestrained revenge. I do not believe that this argument holds much force. Nothing but a widespread conviction of love towards enemies, or the intervention of the allied armies, is adequate

to the task. And how can the policing armies be here, there and everywhere on time?

5. But there is a more serious possibility that a firm allied policy, made widely known, will deter atrocities during the remainder of the present war. Even that is open to question. For disobedience to the order of a superior in the Nazi state brings immediate punishment. And, in the unlikely event of allied threats reaching the ears of those for whom they are intended, the mere possibility of punishment at allied hands is hardly likely to outweigh the certainty of immediate death at the hands of compatriots. And that consideration applies not only to private soldiers but to all ranks, except perhaps the highest. It is unrealistic to expect such disobedience from any but moral heroes, acting in obedience to a higher law rather than in fear of punishment.

So long as there is hope of an Axis victory, allied threats have little meaning. And as soon as victory is seen to be in the balance, fear of punishment is likely to lead to more strenuous efforts to avert defeat and more severe repressive measures against those elements in the occupied countries—and in Germany itself—which are regarded as a danger to the Nazi régime. It is for this very reason, some German refugees in this country suggest, that the Nazi government has so far withheld from the German people information about atrocities; that, at the last ditch, they may say: "This is what we have done in your name; you have heard the threats of the United Nations; if you give in now, you will be exterminated."

It is true that the last clause is an exaggeration even of isolated opinions which have been expressed in this country; it in no way reflects official pronouncements. But the skill of Nazi propagandists, in turning everything to their own purposes, emphasizes the need for a clear definition of war crimes and its legal consequences. Such a definition, though it might earmark notorious leaders for certain punishment, must still leave room for others to turn from their past wickedness and prove their repentance by revolt—a policy which is already implicit in allied propaganda to Italy. And, if it were made widely known at the moment when Germans as a whole see ultimate defeat to be inevitable, it might go far to promote a general defiance of orders and hasten the internal disruption of the German army.

OUR TASK

As you yourself say, "our eyes must be constantly fixed on the constructive, redemptive purpose of creating a new order. If we are to do this we need, in a phrase, *to break the entail*. Evil is self-perpetuating in an endless chain, and the only way of dealing with it is to break the process. What we have to do is to make clear to Germany and the world that our purpose throughout is constructive."

The more I think in these terms of the punishment of war-criminals, the more I believe that there are three sound reasons for adopting an unredemptive attitude towards them as individuals—that is to say, for the death-sentence or any form of punishment which is not aimed at their reintegration into society. The first two are negative: the necessity to compromise, for the very sake of inter-

national order, with the large number of people who will demand such punishment; and the sheer lack of opportunity, in the post-war chaos, to act otherwise. The third is the positive sociological necessity of eradicating the German tradition of impunity.

It seems to me that, in this situation, our task is to try and ensure that the definition of war-crime is genuinely just. And there are two points to bear in mind.

1. The unbiassed justice of allied tribunals would be made clear to the world by equally careful investigation of charges made by Axis nationals against members of the allied forces: and the execution of equally severe penalties on those found guilty. It would, in fact, be very surprising if such charges ever came to be made in a court of law. What is important is that any definition of war-crime should state clearly that, if they were made, they would be fairly considered, without detriment to the accuser. A crime is no less a crime because it is committed by one dear to us. And the knowledge that some of our own people might have to suffer under the same law, would perhaps mitigate our judgment of Axis criminals. We cannot, in truth, pretend that the same laws of conduct prevail under the stress of war as in a society at peace.

2. More than anything, there is needed a definition of individual responsibility adequate to the actual situation in Nazi Germany. I have already said that the responsibility of each for his own actions may become a dangerous half-truth. The debate in the House of Lords¹ emphasizes the almost intolerable complexity of assessing responsibility for war-crimes—of distinguishing between principals and agents, and of determining the extent to which disobedience to the commands of superior officers may reasonably be expected. The fact that, even under German military law, an inferior acting under orders is responsible if he realizes that the order has a crime for its purpose,² does not affect the practical issue. The difficulty of such disobedience—as of the expression of criticism of the government in a totalitarian state—even by men who profoundly reject the official philosophy and works, is scarcely yet conceived of in this country. It may even be that, in such circumstances, to carry out an order inefficiently results in less suffering than a blunt refusal, which ensures the execution of the order by one whose subservience to the state is unquestionable. And there is room for considerable use of disciplined imagination as a means of bringing home, to ourselves and to others, the actual conditions of living under Nazi rule. It is simply unrealistic—and therefore unjust—to define responsibility in such a situation as rigidly as, in our own country, we justly do.

That is the most important thing I have to say. Only through understanding can we hope to heal.

Yours sincerely,

F. B. WELBOURN

¹ March 10th, 1943.

² Schwarzenberger, *op. cit.*, p. 72.

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